



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
1 CONGRESS ST., SUITE 1100  
BOSTON, MA 02114-2023



SDMS DocID

237524

**URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

June 28, 2005

Ms. Lee Henig-Elona  
Troutman Sanders LLP  
Re: Swank, Inc.  
The Chrysler Building  
405 Lexington Avenue  
New York, NY 10174

URGENT  
SHPACK  
11.9  
237524

Re: Request for Information Pursuant to Section 104 of CERCLA for the Shpack Landfill Superfund Site

Dear Ms. Henig-Elona:

This letter seeks your cooperation in providing information and documents relating to the environmental conditions at, and cleanup of, the Shpack Landfill Superfund Site in Norton and Attleboro, Massachusetts ("Site").

The United States Environmental Protection Agency ("EPA") is investigating the release or threatened release of hazardous substances, pollutants, and contaminants at the Site. This investigation includes an inquiry into the identification, nature, source, and quantity of materials transported to or generated, treated, stored, or disposed of at the Site. EPA is also seeking information concerning those persons responsible for the cleanup of the Site and their ability to undertake or finance that cleanup.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e), Swank, Inc. is hereby requested to respond to the Information Request set forth in the Enclosure to this letter.

While EPA seeks your voluntary cooperation in this investigation, compliance with the Information Request is required by law. Failure to provide a complete truthful response to this Information Request within thirty (30) days of your receipt of this letter, or to adequately justify such failure to respond, may subject you to an enforcement action by EPA pursuant to Section 104(e) of CERCLA. This provision permits EPA to seek the imposition of penalties of up to thirty-two thousand five hundred dollars (\$32,500) for each day of non-compliance.

Please note that responses which are incomplete, ambiguous, or evasive will be treated as complete non-compliance with this Information Request. Also be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal

penalties under 18 U.S.C. § 1001.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Your response to this Information Request should be mailed to:

U.S. Environmental Protection Agency  
Barbara O'Toole (HBS)  
Search & Cost Recovery Section  
Office of Site Remediation & Restoration  
1 Congress Street, Suite 1100  
Boston, MA 02114-2023

If you have general questions concerning the Site or this Information Request, please contact Melissa Taylor, Remedial Project Manager at (617) 918-1310. If you have any legal questions, please contact Audrey Zucker, Senior Enforcement Counsel, U.S. Environmental Protection Agency, Region 1 Office of Environmental Stewardship, 1 Congress Street (SES), Boston, MA 02114-2023, or at (617) 918-1788.

Due to the seriousness of the problem at the Site and the legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Information Request within the time specified above.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Cianciarulo', with a stylized flourish at the end.

Robert Cianciarulo, Chief  
MA Superfund  
Office of Site Remediation & Restoration

Enclosure

cc: Audrey Zucker, EPA Office of Environmental Stewardship  
Melissa Taylor, EPA Remedial Project Manager  
Barbara O'Toole, EPA Search & Cost Recovery

**ENCLOSURE A**  
**INFORMATION REQUEST FOR**  
**SHPACK LANDFILL SUPERFUND SITE**

\*\*\*\*\*  
\* **Period Being Investigated:** \*  
  
\* **For Dumont Parcel - 1946 through 1965** \*  
\* **For Shpack Parcel - 1946 through 1975** \*  
\* \*  
\*\*\*\*\*

In addition to the questions which follow, this enclosure includes a declaration, a site description, detailed instructions for responding to this request, and definitions of words such as "Respondent," "Site," "Dumont Parcel", "Shpack Parcel," "identify," and "waste," used in the questions. These materials appear at the end of the questions; please refer to them in answering all questions. Of particular importance:

- Answer each question with respect to the period being investigated identified in each question unless the question indicates otherwise.
- Answer all questions completely in accordance with the definitions and instructions.
- Complete the enclosed declaration.
- For each question, identify all persons and documents relied upon in the preparation of the answer.
- All information provided for which you are making a claim of business confidentiality or which contains personal privacy information should be contained on separate sheets and clearly marked as confidential or private.
- This request imposes a continuing obligation upon you to submit responsive information discovered after your original response is submitted to EPA.

## INFORMATION REQUEST QUESTIONS

1. Generators - General: Identify all persons (“Generators”), including you, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials at or to the Dumont Parcel (see Definitions) during the period from 1946 through 1965. In addition, identify:
  - a. The persons with whom the Generators made such arrangements.
  - b. Every date or the approximate dates on which each Generator made such arrangements;
  - c. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement;
  - d. In general terms, the nature and quantity of the non-hazardous materials involved in each such arrangements;
  - e. The owners of the hazardous materials involved in each such arrangement;
  - f. All tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions;
  - g. The precise location at which each hazardous material involved in such transactions actually was disposed or treated;
  - h. Who selected the Dumont Parcel as the location at which hazardous materials were to be disposed or treated;
  - i. What was done to the hazardous materials once they were brought to the Dumont Parcel;
  - j. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.
2. Generators - General: Identify all Generators, including you, who may have arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials at or to the Shpack Parcel (see Definitions). In addition, identify:
  - a. The persons with whom the Generators made such arrangements.
  - b. Every date or the approximate dates on which each Generator made such

arrangements;

- c. The nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all hazardous materials involved in each such arrangement;
- d. In general terms, the nature and quantity of the non-hazardous materials involved in each such arrangements;
- e. The owners of the hazardous materials involved in each such arrangement;
- f. All tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions;
- g. The precise location at which each hazardous material involved in such transactions actually was disposed or treated;
- h. Who selected the Shpack Parcel as the location at which hazardous materials were to be disposed or treated;
- i. What was done to the hazardous materials once they were brought to the Shpack Parcel;
- j. The markings on and type, condition and number of containers in which the hazardous materials were contained when they were stored, disposed, treated, or transported for disposal or treatment.

3. Respondent's Operations:

**NOTE: All parts of Question 3 should be answered with respect to the years 1946 through 1975.**

- a. Provide the complete addresses of Respondent's plants and other buildings or structures where Respondent carried out its operations, excluding those locations where only clerical/office work was performed, within 25 miles of the Site..  
**Unless otherwise indicated, all of the following questions in this Request for Information refer to these operations.<sup>1</sup>**
- b. Provide a brief description of the nature of Respondent's operations at each location including:

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<sup>1</sup> If the Respondent has more than three separate places of business in this area, please contact the EPA representative listed in the text of the cover letter to determine the appropriate scope of your response.

- i. the date such operations commenced and concluded; and
    - ii. the types of work performed, including but not limited to the industrial, chemical, or institutional processes undertaken.
  - c. If the nature or size of Respondent's operations changed over time, describe those changes and the dates they occurred.
  - d. List the products Respondent manufactured, recycled, recovered, treated, or otherwise processed in these operations.
  - e. In general terms, list the types of raw materials used in Respondent's operations.
  - f. Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:
    - i. the types of materials used to clean/maintain this equipment/machinery; and
    - ii. the monthly or annual quantity of each such material used.
  - g. Describe the methods used to clean up spills of liquid or solid materials during Respondent's operation, including but not limited to:
    - i. the types of materials spilled in Respondent's operations;
    - ii. the materials used to clean up those spills;
    - iii. the methods used to clean up those spills; and
    - iv. where the materials used to clean up those spills were disposed of.
4. Respondent's Wastes and Waste Streams (including By-Products) (1946 through 1965):

**NOTE: All parts of Question 4 should be answered with respect to the years 1946 through 1965, and with respect to each of Respondent's facilities identified in your response to Question 3.**

- a. Complete the enclosed "Information Request Waste Survey for 1946 through 1965," checking each substance present in Respondent's wastes or by-products and providing all requested information for each such substance that is checked.
- b. Identify (see Definitions) the person(s) responsible for collecting and managing each type of waste.
- c. Describe how each type of waste was collected and stored at Respondent's operation prior to disposal/recycling/sale/transport, including:
  - i. the type of container in which each type of waste was placed/stored; and
  - ii. where each type of waste was collected/stored.

5. Answer all parts of Question 4 with respect to the years 1966 through 1975, and complete the enclosed "Information Request Waste Survey for 1966 through 1975."
6. Respondent's Disposal/Treatment/Storage/Recycling/Sale of Waste (including By-Products) (1946 through 1965):

**NOTE: All parts of Question 6 should be answered with respect to the years 1946 through 1965, and with respect to each of Respondent's facilities identified in your response to Question 3.**

**ALSO NOTE: Your response to questions in this section must refer to all locations, including but not limited to the Site, to which Respondent sent its wastes.**

- a. Describe the containers used to take each type of waste from Respondent's operation, including but not limited to:
  - i. the type of container (e.g. 55 gal. drum, dumpster, etc.);
  - ii. the colors of the containers;
  - iii. any distinctive stripes or other markings on those containers;
  - iv. any labels or writing on those containers (including the content of those labels);
  - v. whether those containers were new or used; and
  - vi. if those containers were used, a description of the prior use of the containers.
- b. For each type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling.
- c. Provide copies of such contracts and other documents reflecting such agreements or arrangements.
- d. State where Respondent sent each type of its waste for disposal, treatment, or recycling.
- e. Identify (see Definitions) all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).
- f. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.
- g. For each type of waste specify which Waste Carrier picked it up.
- h. For each type of waste, state how frequently each Waste Carrier picked up such

waste.

- i. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).
- j. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.
- k. Provide copies of all documents containing information responsive to the previous seven questions.
- l. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:
  - i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);
  - ii. names or markings on the vehicles; and
  - iii. the color of such vehicles.
- m. Identify (see Definitions) all of each Waste Carrier's employees who collected Respondent's wastes.
- n. Indicate the ultimate disposal/recycling/treatment location for each type of waste.
- o. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.
- p. Describe how Respondent managed pickups of each waste, including but not limited to:
  - i. the method for inventorying each type of waste;
  - ii. the method for requesting each type of waste to be picked up;
  - iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;
  - iv. the identity of (see Definitions) Respondent's employee who paid the bills; and
  - vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.
- q. Identify (see Definitions) the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.
- r. State the basis for and provide any documents supporting the answer to the previous question.



7. Answer all parts of Question 6 with respect to the years 1966 through 1975.
8. Sources of Information: Identify (see Definitions) all persons, including, but not limited to, current and former employees of the Respondent, who could reasonably be expected to have knowledge or information concerning Respondent's operations and hazardous material handling, storage and disposal practices during the years 1946 through 1975, for all facilities identified in your response to Question 3 above. For each person, state the reasons why such person could be expected to have such knowledge, including the nature and dates of involvement with Respondent or the Site.

9. General Information:

**NOTE: All questions in this section refer to the present time unless otherwise indicated.**

- a. Provide the full legal name and mailing address of the Respondent.
- b. For each person answering these questions on behalf of Respondent, provide:
  - i. full name;
  - ii. title;
  - iii. business address; and
  - iv. business telephone number and FAX machine number.
- c. Provide the names of all Superfund sites in Region I (New England) for which Respondent has received notification of its potential liability from EPA and the dates of such notification(s).
- d. Provide the names of all Superfund sites in Region I (New England) for which Respondent has received a request for information from EPA.
- e. If Respondent is a corporation, provide:
  - a. the date of incorporation;
  - b. state of incorporation; and
  - c. agent for service of process.
- f. If Respondent is, or was at any time during the period being investigated, a subsidiary of, otherwise owned or controlled by, otherwise affiliated with another corporation or entity, then describe the nature of each such corporate relationship, including but not limited to:
  - a. a general statement of the nature of the relationship;
  - b. the dates such relationship existed;
  - c. the percentage of ownership of Respondent that is held by such other entity; and

- d. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities.
- g. If Respondent no longer exists as the same legal entity it was during the period being investigated because of transactions involving mergers or asset purchases, provide:
  - 1. the title and dates of the transactions and copies of documents that embody the terms of such transactions;
  - 2. the identities of the seller, buyer, and any other parties to such transactions;
  - 3. a brief statement describing the nature of the mergers or asset purchases; and
  - 4. a brief statement describing and copies of documents embodying any/all indemnification agreements.

10. Information About Others

- a. If you have information concerning the operation of the Site or the source, content or quantity of materials placed/disposed at the Site which is not included in the information you have already provided, provide all such information.
- b. If not already included in your response, if you have reason to believe that there may be persons, including, but not limited to, persons currently or formerly employed by Respondent, who are able to provide a more detailed or complete response to any of these questions or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
- c. If not already provided, identify all persons, including Respondent's current and former employees, who have knowledge or information about the generation, use, purchase, treatment, storage, disposal, placement or other handling of materials at, or transportation of materials to, the Site.

11. Compliance with This Request

- a. Describe all sources reviewed or consulted in responding to this request, including but not limited to:
  - i. the names of all individuals consulted;
  - ii. the current job title and job description of each individual consulted;
  - iii. the job title and job description during the period being investigated of each individual consulted;
  - iv. whether each individual consulted is a current or past employee of Respondent;
  - v. the names of all divisions or offices of Respondent for which records were reviewed;

- vi. the nature of all documents reviewed; and
  - vii. the locations where those documents reviewed were kept prior to review;  
and
  - viii. the location where those documents reviewed are currently kept.
- 
- b. Please produce a copy of all documents which relate to, refer to, or concern any information requested or identified in this Request for Information. For all documents that have been destroyed, provide the date the document was destroyed and identify the individual responsible for its destruction.
  - c. Describe your document retention/destruction policies, procedures and practices at all times relevant to the period under investigation (1945 to present), including an identification of all written documents concerning the policies, procedures and practices.
  - d. Describe all actions taken by Respondent in order to comply with Paragraph 37 (Record Retention) of Administrative Order By Consent for Remedial Investigation/Feasibility Study, EPA Docket No. I-90-1113, which requires, among other things, the retention of all records and documents which "relate in any way to the Site."

**ENCLOSURE B:**  
**SHPACK LANDFILL SUPERFUND SITE DESCRIPTION**

The Shpack Landfill Superfund Site ("Site") is located in both Norton and Attleboro, Massachusetts. The entire Site comprises approximately 9.4 acres of land, and is located on the Norton/Attleboro, Massachusetts town boundary line, on the southerly side of Union Road in Norton and Peckham Street in Attleboro. The Site includes both the "Shpack Parcel" in Norton and the "Dumont Parcel" in Attleboro, as described below.

**Shpack Parcel.** Approximately 6.0 acres of the Site are situated in Norton on land formerly owned by Lea Shpack and Isadore Shpack that is currently owned by the Town of Norton. This portion of the Site is bounded by Union Road and the former Shpack residence to the northwest, Chartley Swamp to the east/southeast, and the Norton-Attleboro town line to the south/southwest. This portion of the Site may also be described as a portion of Lot No. 2 on the Norton Tax Assessors Map No. 26. (The 6.0 acre portion of the Site is referred to herein as the "Shpack Parcel.")

**Dumont Parcel.** Approximately 3.4 acres of the Site are located in Attleboro, on land formerly owned by Albert Dumont that is currently owned by Attleboro Landfill, Inc. ("ALI"), which is also described as Lot No. 4A on Plat No. 209 of the Attleboro Assessors Office. This portion of the Site is roughly triangular in shape and consists approximately of the area bounded by Peckham Street to the north/northwest, the Attleboro-Norton town line to the east/northeast, and a line between Peckham Street and the Attleboro-Norton town line, slightly to the north of, and roughly parallel to, the southern edge of the New England Power Company easement ("Powerline Easement"). The Powerline Easement is shown in the Bristol County, Northern Division Registry of Deeds, Plan Book No. 82, Page 25, and is also shown on the aforementioned tax assessment maps. This 3.4 acre parcel is also a portion of the approximately 55-acre Attleboro Landfill property. (The 3.4 acre portion of the Site is referred to herein as the "Dumont Parcel.")

Historically, the entire Site has been used as a dump for the disposal of industrial and domestic waste. The Dumont Parcel received waste and was operated as an open burning dump for the City of Attleboro from approximately 1946 through 1965, when the Town of Norton sought an order to ban the burning of waste. The Shpack Parcel received waste from approximately 1946 through 1975. Bulldozers would periodically level the land on the Dumont Parcel without strict adherence to property boundaries. As a result, wastes originally disposed on each of the two contiguous parcels were commingled.

The Site was proposed for inclusion on the National Priorities List ("NPL") in October, 1984 and was listed on the NPL in June, 1986. Contaminants found at the Site include volatile organic compounds ("VOCs"), semi-volatile organic compounds ("SVOCs") and polychlorinated biphenyls ("PCBs"), as well as heavy metals and radiological compounds. EPA issued a Remedial Investigation/Feasibility Study for the Site in June 2004. On September 30, 2004, EPA issued its remedial action decision for the Site which is embodied in the Record of Decision. A copy of the Record of Decision (which includes a map of the Site) is found at:

<http://www.epa.gov/region01/superfund/sites/shpack/214530.pdf>

## INFORMATION REQUEST INSTRUCTIONS

1. Answer Every Question Completely. You are required to provide a separate answer to each and every question and subpart of a question set forth in this Information Request. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Information Request and may subject you to the penalties set out in the cover letter.
2. Number Each Answer. Number each answer with the number of the question to which it corresponds.
3. Provide Information about the Period Being Investigated. You are required to answer each question with respect to the period being investigated, unless the question specifically states otherwise. If the response fails to address the period being investigated, EPA will consider this a failure to comply with the request and may take action against you for this noncompliance.
4. Provide the Best Information Available. You must provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Submit Documents with Labels Keyed to Question. For each document produced in response to this Information Request, indicate on the document (or in some other reasonable manner) the number of the question to which it responds.
7. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA. Failure to supplement your response within 30 days of discovering such responsive information may subject you to \$32,500 per day penalties. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Information Request is found to be false, the signatory to the response and the company may be subject to criminal prosecution.
8. Complete the Enclosed Declaration. You are required to complete the enclosed declaration which certifies that the information you are providing in response to this Information Request is true, accurate, and complete.
9. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a

confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§ 9604(e)(7)(E) and (F), and 40 C.F.R. § 2.203(b). All information claimed to be confidential should be contained on separate sheet(s) and should be clearly identified as "trade secret" or "proprietary" or "company confidential." Personal financial information, including individual tax returns, may also be claimed as confidential. In addition, please note that you bear the burden of substantiating your confidentiality claim. Your claim of confidentiality should be supported by the submission of information supporting such a claim; the type of information to be submitted is set out in 40 C.F.R. Part 2. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent, and only by means of the procedures, provided in 40 C.F.R. §§ 2.201-2.311. **If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.** You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

10. Disclosure to EPA Contractor. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, even if you assert that all or part of it is confidential business information. Please be advised that EPA intends to disclose all responses to this Information Request to one or more of its private contractors listed in the attached EPA Contractor List for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to treatment as confidential business information, you may comment on this intended disclosure within fourteen (14) days of receiving this Information Request.

11. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information." You should note however, that unless prohibited by law, EPA may disclose this information to the general public without further notice to you. (Please see Instruction 9 for information concerning treatment of individual tax returns.)

12. Objections to Questions. While the Respondent may indicate that it objects to certain questions in this Information Request, it must provide responsive information notwithstanding those objections. To object without providing responsive information may subject Respondent to the penalties set out in the cover letter.

13. Claims of Privilege. If you claim that any document responsive to this Information Request is a communication for which you assert that a privilege exists for the entire document, identify (see Definitions) the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for a portion of it, provide the portion of the document for which you are not asserting a privilege, identify the portion of the document for which you are asserting the privilege, and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to the Information Request must be disclosed in your response.

## **EPA CONTRACTOR LIST**

Updated March 24, 2005

### **CONTRACTOR**

### **CONTRACT NUMBER**

Arctic Slope Regional Corp.(ASRC) Aerospace  
Effective: 9/5/02

Contract No.: 68-R1-02-01

Booz, Allen & Hamilton  
Effective: 01/01/04  
Effective: 12/30/98

EPA IAG No. DW-47-94028501-3  
GSA Contract No.:  
GS00T96AHD0002

TechLaw, Inc.  
Effective: Effective July 12, 1999

GSA Contract No.: GS-10F-0168J

James Kerr and Associates, LLC  
Effective 9/04/2003



## INFORMATION REQUEST DEFINITIONS

All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, 42 U.S.C. Section 9601 et seq., RCRA, 42 U.S.C. Section 6901 et seq., or Volume 40 of the Code of Federal Regulations (CFR), in which case such statutory or regulatory definitions shall apply.

The following definitions shall apply to the following words as they appear in this Enclosure:

1. The term "you" or "Respondent" shall mean Swank, Inc., its officers, managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor corporations or companies.

2. The terms "document" and "documents" shall mean any method of recording, storing, or transmitting information. "Document" shall include but not be limited to:

- (a) writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including (by way of illustration and not by way of limitation) any of the following:
  - 1. invoice, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order;
  - 2. letter, correspondence, fax, telegram, telex, Email;
  - 3. minutes, memorandum of meetings and telephone and other conversations, telephone messages;
  - 4. agreement, contract, and the like;
  - 5. log book, diary, calendar, desk pad, journal;
  - 6. bulletin, circular, form, pamphlet, statement;
  - 7. report, notice, analysis, notebook;
  - 8. graph or chart; or
  - 9. copy of any document.
- (b) microfilm or other film record, photograph, or sound recording on any type of device;
- (c) any tape, disc, or other type of memory generally associated with computers and data processing, together with:
  - 1. the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory; and
  - 2. printouts of such punch card, disc, or disc pack, tape or other type of memory; and
- (d) attachments to or enclosures with any document as well as any document referred

to in any other document.

3. The term "identify" or "provide the identity of" means, with respect to a natural person, to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with job title, position or business; and (d) the person's social security number.

4. The term "identify" or "provide the identity of" means, with respect to a corporation, partnership, business trust, government office or division, or other entity (including a sole proprietorship), to set forth: (a) its full name; (b) complete street address; (c) legal form (e.g. corporation, partnership, etc.); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

5. The term "identify" or "provide the identity of" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, addressor, addressee and/or recipient; (e) and a summary of the substance or the subject matter. Alternatively, Respondent may provide a copy of the document.

6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.

7. The terms "the period being investigated" and "the relevant time period" shall mean the period being investigated for either the Dumont Parcel and/or the Shpack Parcel as specified on the first page of the Information Request Questions.

8. The terms "the Site" or "the facility" shall mean and include the property on or about the approximately 9.4 acres of land in Norton and Attleboro, Massachusetts currently identified by EPA as the Shpack Landfill Superfund Site, which is more fully described in the enclosed Site Description.

9. The term "waste" or "wastes" shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, radiological materials, and pollutants or contaminants, whether solid, liquid, or sludge, including but not limited to containers for temporary or permanent holding of such wastes.

10. The term "Shpack Parcel" shall mean and include the portion of the Site that is located on or about approximately 6.0 acres of land in Norton, Massachusetts, and is more fully described in the enclosed Site Description.

11. The term "Dumont Parcel" shall mean and include the portion of the Site that is located on or about approximately 3.4 acres of land in Attleboro, Massachusetts, and is more fully described in the enclosed Site Description.

**END OF THE INFORMATION REQUEST**

**THANK YOU FOR YOUR ASSISTANCE IN THIS MATTER**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

Information Request Waste Survey for 1946 through 1965  
for the Shpack Landfill Superfund Site

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Acids				
Adhesives				
Asbestos				
Adsorbents (from spills, leaks, etc.)				
Automotive Related Wastes:				
Antifreeze				
Batteries				
Brake Fluids				
Degreasers				
Lubricants				
Oils				
Oil Filters				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-'68), [Name] Landfill('69-'81), [Name] Solvent Reclaimer('82-'91)).
Transmission fluids				
other:				
Batteries				
Bleaches				
Caustics/Alkalis				
Chemicals				
Cleaning compounds or fluids				
Coolants				
Degreasers				
Disinfectants				
Distillation Byproducts (Still Bottoms)				
Dyes				
Etching Solutions				
Filters				

# Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Flammable, Reactive, or Explosive Materials				
Fungicides				
Herbicides				
Insecticides				
Insulating/Fire Proofing Materials				
Laboratory Wastes				
Lubricants				
Metals:				
grindings				
powders				
shavings				
sludges				
solutions				
other:				

# Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/ $\text{HNO}_3$ , Tetrahydrofuran/ $\text{C}_4\text{H}_8\text{O}$ )	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Paint and Coating Wastes:				
paint				
pigments				
stripper				
stains				
thinner				
turpentine				
varnish				
other:				
PCBs (polychlorinated biphenyls)				
Pesticides				
Photocopying Wastes:				
toners				
other:				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965) •

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Photography Wastes:				
developers				
fixers				
other:				
Plating Solutions				
Pretreatment Sludges/Solutions (sewage)				
Printing Wastes:				
inks				
dyes				
other:				
Rags, Used (Indicate prior use)				
Rodenticides				
Septic System Wastes				



# Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Sludges				
Soldering Solutions				
Solutions of Polymers, resins, plastics				
Solvent Extracts				
Solvents				
Waste Oils				
Wood Preservatives				
Radioactive Materials:				
Uranium				
Radium				
Other:				



Information Request Waste Survey for the Shpack Landfill Superfund Site (1946 through 1965)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

Information Request Waste Survey for 1966 through 1975  
for the Shpack Landfill Superfund Site

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Acids				
Adhesives				
Asbestos				
Adsorbents (from spills, leaks, etc.)				
Automotive Related Wastes:				
Antifreeze				
Batteries				
Brake Fluids				
Degreasers				
Lubricants				
Oils				
Oil Filters				

# Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Transmission fluids				
other:				
Batteries				
Bleaches				
Caustics/Alkalis				
Chemicals				
Cleaning compounds or fluids				
Coolants				
Degreasers				
Disinfectants				
Distillation Byproducts (Still Bottoms)				
Dyes				
Etching Solutions				
Filters				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Flammable, Reactive, or Explosive Materials				
Fungicides				
Herbicides				
Insecticides				
Insulating/Fire Proofing Materials				
Laboratory Wastes				
Lubricants				
Metals:				
grindings				
powders				
shavings				
sludges				
solutions				
other:				

Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Paint and Coating Wastes:				
paint				
pigments				
stripper				
stains				
thinner				
turpentine				
varnish				
other:				
PCBs (polychlorinated biphenyls)				
Pesticides				
Photocopying Wastes:				
toners				
other:				

# Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-'68), [Name] Landfill('69-'81), [Name] Solvent Reclaimer('82-'91).
Photography Wastes:				
developers				
fixers				
other:				
Plating Solutions				
Pretreatment Sludges/Solutions (sewage)				
Printing Wastes:				
inks				
dyes				
other:				
Rags, Used (Indicate prior use)				
Rodenticides				
Septic System Wastes				



Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_

Substance	Physical State when Disposed/Type of Container (e.g. Liquid/5 gal pails, Sludge/55 gal drums, Solid/directly in dumpster.)	Trade Name/Chemical Composition (e.g. Nitric acid/HNO <sub>3</sub> , Tetrahydrofuran/C <sub>4</sub> H <sub>8</sub> O.)	Volume (per month)	Disposal Method and Location (year) (e.g. dumpster('55-68), [Name] Landfill('69-81), [Name] Solvent Reclaimer('82-'91).
Sludges				
Soldering Solutions				
Solutions of Polymers, resins, plastics				
Solvent Extracts				
Solvents				
Waste Oils				
Wood Preservatives				
Radioactive Materials:				
Uranium				
Radium				
Other:				



Information Request Waste Survey for the Shpack Landfill Superfund Site (1966 through 1975)

Name of Respondent: \_\_\_\_\_ Respondent's Location: \_\_\_\_\_ Date: \_\_\_\_\_



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

## REGION 1

1 CONGRESS ST., SUITE 1100  
BOSTON, MA 02114-2023**URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

Lee Henig-Elona

~~Jenkins & Gilchrist Parker Chapin LLP~~Re: Swank, Inc. *Troutman Sanders*

The Chrysler Building

405 Lexington Avenue

New York, NY 10174

Re: Request for Information Pursuant to Section 104 of CERCLA for the Shpack Landfill  
Superfund Site

Dear Ms. Henig-Elona:

This letter seeks your cooperation in providing information and documents relating to the environmental conditions at, and cleanup of, the Shpack Landfill Superfund Site in Norton and Attleboro, Massachusetts ("Site").

The United States Environmental Protection Agency ("EPA") is investigating the release or threatened release of hazardous substances, pollutants, and contaminants at the Site. This investigation includes an inquiry into the identification, nature, source, and quantity of materials transported to or generated, treated, stored, or disposed of at the Site. EPA is also seeking information concerning those persons responsible for the cleanup of the Site and their ability to undertake or finance that cleanup.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9604(e), Swank, Inc. is hereby requested to respond to the Information Request set forth in the Enclosure to this letter.

While EPA seeks your voluntary cooperation in this investigation, compliance with the Information Request is required by law. Failure to provide a complete truthful response to this Information Request within thirty (30) days of your receipt of this letter, or to adequately justify such failure to respond, may subject you to an enforcement action by EPA pursuant to Section 104(e) of CERCLA. This provision permits EPA to seek the imposition of penalties of up to thirty-two thousand five hundred dollars (\$32,500) for each day of non-compliance.

Please note that responses which are incomplete, ambiguous, or evasive will be treated as complete non-compliance with this Information Request. Also be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal

## CONCURRENCES

SYMBOL	SES	480	1155	1150				
SURNAME	A. Zuber	W. Taylor	D. Taylor	C. H. C. H. H.				
DATE	6/20/05	6/23/05	6/23/05	6/23/05				

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Ms. Barbara O'Toole  
US EPA - HBS  
One Congress Street  
Boston, MA 02114-2023

*Handwritten signature: HBS*

11



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## 1. Article Addressed to:

Mrs Lee Henry - Elona  
 Troutman Sanders LLP  
 The Chrysler Building  
 405 Lexington Avenue  
 New York, NY 10174

# COMPLETE THIS SECTION ON DELIVERY

## A. Signature

x *R Mitchell*

- ☐ Agent  
☒ Addressee

## B. Received by (Printed Name)

*R Mitchell*

## C. Date of Delivery

*6/20/05*

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☐ Registered ☐ Return Receipt for Merchandise  
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Total Postage & Fees	\$	

Sent To *Ms. Lee Henig-Elena*  
*TRUETMAN SANDERS LLP*  
 Street, Apt. No.; Rm *SWANK*  
 or PO Box No. *The Chrysler Bldg*  
*405 LEXINGTON Ave.*  
 City, State, ZIP+4 *New York, NY 10174*

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- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**